

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

RAHEEN DAVIS,
a/k/a "Dice," and
OTIS AUSTIN,
a/k/a "Pop,"

Defendants.

INDICTMENT

S3 05 Cr. 1157 (LAK)

U.S. SDNY
DOCUMENT
ELECTRONICALLY FILED
FEB 19 2008

COUNT ONE

The Grand Jury charges:

1. On or about January 19, 2005, in the Southern District of New York and elsewhere, RAHEEN DAVIS, a/k/a "Dice," and OTIS AUSTIN, a/k/a "Pop," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, on or about January 19, 2005, AUSTIN, DAVIS, and others known and unknown, conspired to rob an individual of narcotics and narcotics proceeds at 240 West 129th Street, New York, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

2. On or about January 19, 2005, in the Southern District of New York, RAHEEN DAVIS, a/k/a "Dice," and OTIS AUSTIN, a/k/a "Pop," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, DAVIS and AUSTIN participated in a robbery of a drug dealer, Henry King, during which robbery King was shot and killed, at 240 West 129th Street, New York, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

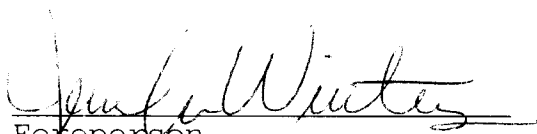
COUNT THREE

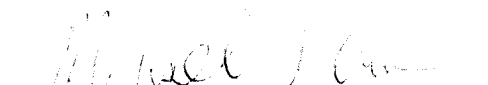
The Grand Jury further charges:

3. On or about January 19, 2005, in the Southern District of New York and elsewhere, RAHEEN DAVIS, a/k/a "Dice," and OTIS AUSTIN, a/k/a "Pop," the defendants, and others known

and known, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit robbery charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was discharged.

(Title 18, United States Code, Section 924(c)(1)(A)(iii) and 2.)


Foreperson


MICHAEL J. GARCIA *DMR*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 18, United States Code, Sections
1951, 924(c), 924(j).)

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL

Joseph W. White

Foreperson.

Indictment filed.

F. Mass, USMJ